

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JESSICA H.,

Plaintiff,

v.

1:22-CV-1351
(ML)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

OF COUNSEL:

AVARD LAW
Counsel for the Plaintiff
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CRAIG POLHEMUS, ESQ.

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
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Baltimore, Maryland 21235

JASON P. PECK, ESQ.
Special Assistant United States
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Jason P. Peck, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; and Plaintiff, through counsel Craig Polhemus, having consented to the within order

and the requested remand (Dkt. No. 15), and the Court having considered the matter,

IT IS on this 20th day of June, 2023,

ORDERED that Joint Motion [15] is GRANTED, that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: June 20, 2023
Binghamton, New York


Miroslav Lovric
U.S. Magistrate Judge